

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

RICKY UPCHURCH *as Executor of the*)
Estate of JUANITA UPCHURCH, *for*)
the use and benefit of the next of kin of)
CLAYTON UPCHURCH,)

Civil Action No. 2:19-cv-00149
REEVES / WYRICK

Plaintiff,)

v.)

NATIONAL RIFLE ASSOCIATION and,)
LIFE INSURANCE COMPANY OF)
NORTH AMERICA)

Defendants.)

REPORT OF PARTIES' PLANNING MEETING AND PROPOSED DISCOVERY PLAN

Plaintiff Ricky Upchurch, as Executor of the Estate of Juanita Upchurch, for the use and benefit of the next of kin of Clayton Upchurch ("Plaintiff") and Defendants National Rifle Association and Life Insurance Company of North America ("Defendants") respectfully submit this Rule 26(f) Report and Proposed Discovery Plan.

Pursuant to Fed. R. Civ. P. 26(f), Counsel for Defendants and Counsel for Plaintiff conferred on January 28th, 2020 via telephone for the purpose of complying with the requirements of Rule 26(f). The Parties jointly file this Report of Parties' Planning Meeting and Proposed Discovery Plan:

I. Pre-Discovery / Initial Disclosures. On February 7th, 2020, the Parties will exchange information required by Fed. R. Civ. P. 26(a)(1).

2. Discovery Plan. The Parties jointly propose to the Court the following discovery plan:

- a. Discovery will be needed regarding Plaintiffs claims and Defendant's defenses.
- b. All discovery shall be commenced in time to be completed in accordance with the Scheduling Order entered in this civil action.
- c. In accordance with Fed. R. Civ. P. 33, interrogatories will be limited to a maximum of twenty-five (25) interrogatories, including all discrete subparts, by each Party to any other Party. Answers and objections shall be served within thirty (30) days after service of the interrogatories, unless a shorter or longer time is directed by the Court or is agreed to in writing by the Parties subject to Fed. R. Civ. P. 29.
- d. Requests for Admissions and the responses thereto shall be governed by and subject to the provisions of Fed. R. Civ. P. 36.
- e. Depositions shall be limited to a maximum of eight (8) depositions by Plaintiff and eight (8) depositions by Defendants, unless leave is granted by the Court to exceed eight (8) depositions. Each deposition shall be limited to a maximum of seven (7) hours unless extended by agreement of the Parties.
- f. Reports of retained experts shall be served in accordance with the Scheduling Order entered in this case.
- g. Supplementation of disclosures and responses to requests for discovery shall be made in compliance with Fed. R. Civ. P. 26(e) and the Scheduling Order entered in this case.

3. **E-Discovery.**

- a. The parties discussed e-discovery. The parties do not anticipate a significant amount of e-discovery at this time. The parties agreed to gather and preserve e-discovery from their clients. Any e-discovery will be exchanged in native format.

4. Other items.

- a. Joinder of Additional Parties and Amendment to Pleadings. Joinder of additional parties and amendment of pleadings shall be made by February 27, 2021, as set forth in the Scheduling Order entered in this civil action.
- b. Final Dispositive Motions. All potentially dispositive motions shall be filed by February 27, 2021, as set forth in the Scheduling Order entered in this civil action.
- c. Final Witness & Exhibit Lists. The final list of witnesses and all documents or other exhibits as required by Fed. R. Civ. P. 26(a)(3) shall be provided by June 12, 2021, as set forth in the Scheduling Order entered in this civil action.
- d. Prospects for Settlement. Since no discovery in this matter has ensued, the Parties agree that settlement discussions are premature.
- e. Pre-Trial Conference. The Parties request a pre-trial conference prior to trial and such conference shall be held as set forth in the Scheduling Order in this civil action.
- f. Trial. This civil action will be ready for a three (3) to four (4) day trial beginning on July 27th, 2021 as set out by the Scheduling Order

Enter this _____ day of _____, 2020.

Chief United States District Judge

Approved for Entry:

/s Marcie Kiggans Bradley

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